HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL REVISION PETITIONS Nos. 6960, 7052 and 7154 of 2018

COMMON ORDER :

These Civil Revision Petitions arose out of the order dated 30th October, 2018 passed in I.A.No. 272, 273 and 275 of 2018 respectively, in Original Suit No. 145 of 2013 ,on the file of the Principal Junior Civil Judge, Sullurpet.

2. The Revision Petitioner is a defendant in a Suit in O.S. No. 145 of 2013, filed for perpetual injunction by the respondent/plaintiff. The Revision Petitioner has filed I.A.No.272 of 2018 in O.S.No.145 of 2013, under Sec.94 (e), 151 CPC to reopen the Suit for the purpose of filing impleadment of proposed defendant Nos.2 to 4, seeking amendment of written statement-cum-counter claim of petitioner / defendant and to file petition to seek leave under Sec.80(2) of CPC to prosecute claim against the proposed defendants No. 2 to 4; I.A.No. 273 of 2018 is filed seeking to grant leave him to prosecute written statement-cum-counter claim without issuing notice in terms of Sec.80(2) CPC ; and I.A.No.275 of 2018 is filed under Order 1 Rule 10 of CPC to implead the proposed respondents 2 to 4 herein as defendants 2 to 4 in the main Suit and direct the 1st respondent/plaintiff to carryout necessary consequential amendments.

3. The learned trial Court, on considering the material on record has dismissed the applications giving cogent reasons. Aggrieved by the same, the petitioner/defendant filed the present Revision Petitions, seeking to set aside the orders dated 30.12.2018, passed by the

Principal Junior Civil Judge, Sullurpeta in the above interlocutory applications in Suit in O.S.No.145 of 2013.

4. Heard the arguments of the learned counsel for the petitioner/defendant and respondent/plaintiff.

5. The learned counsel for the petitioner submits that the petitioner is the defendant, who is contesting the Suit filed by the plaintiff for perpetual injunction. The petitioner/defendant intends to prove that the entries made by the Revenue Officials, basing on which the plaintiff made his claim are incorrect. For that purpose the petitioner/defendant wanted to implead the respondents 2 to 4, namely 1) District Collector, SPSR Nellore, 2) The Revenue Divisional Officer, Naidupet, SPSR Nellore District and 3)Tahsildar, Tada Mandal, SRSR Nellore District . as proposed defendants 2 to 4 in O.S.No. 145 of 2013.

6. Admittedly, the Suit is filed for perpetual injunction. The burden is on the plaintiff to prove that the plaintiff has got *prima facie* case, balance of convenience and irreparable loss. The Plaintiff appears to have placed reliance on the Sale Deed, Settlement Deed, Original title deed book and Pattadar Passbook issued by the Tahsildar, Tada, Sisth receipts 2 in number, 10(1) -Adangal true copy, one way Register and three copies of Adangal, Pahanies for the Fasli 1421 and three copies of Adangal and pahanies for Fasli 1422 and three Adangal copies of Fasli 1423. The plaintiff has to prove all the documents filed by him before the Trial Court. The Trial Court shall consider the same, basing on the evidence available before it and pass orders in accordance with law.

7. In this regard, this Court is of the opinion that the impleadment of parties is not a proper remedy for the petitioner/defendant to contest the

case. If he is aggrieved by the entries made by the above said authorities, he may approach the Revenue Authorities for correction of the entries. In this regard the petitioner may approach the Revenue Authorities for redressal of his grievances by availing appropriate remedies available to him. Hence, there are no valid grounds for grant of any relief in these Revision Petitions.

8. In the result, the Revision Petitions are dismissed, giving liberty to the petitioner to avail appropriate remedies available to him before the concerned Revenue Authorities.

No order as to costs.

The Miscellaneous Petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

Date: 06.12.2018

JR

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL REVISION PETITIONS Nos. 6960, 7052 and 7154 of 2018

Date: 06.12.2018

JR